

ESTTA Tracking number: **ESTTA407989**

Filing date: **05/09/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Minnesota Twins, LLC
Granted to Date of previous extension	05/08/2011
Address	Target Field, 1 Twins Way Minneapolis, MN 55403 UNITED STATES
Attorney information	Meichelle R. MacGregor Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mrm@cjl.com, trademark@cjl.com Phone:212-790-9200

### Applicant Information

Application No	77958904	Publication date	11/09/2010
Opposition Filing Date	05/09/2011	Opposition Period Ends	05/08/2011
Applicants	Pinegar, Tamara 1690 Sweet View Court Henderson, NV 89014 UNITED STATES  Pinegar, Kimberley 1690 Sweet View Court Henderson, NV 89014 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. First Use: 2003/04/12 First Use In Commerce: 2003/04/12  
All goods and services in the class are opposed, namely: Entertainment in the nature of live musical performances ; Production of television programs

### Grounds for Opposition

Other	See attached pleading.
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Attachments	LtrTHETWINS&DESIGN.pdf ( 1 page )(140787 bytes ) THETWINS&DESIGNNOO.pdf ( 5 pages )(26073 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Meichelle R. MacGregor/
Name	Meichelle R. MacGregor
Date	05/09/2011



Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036

(212) 790-9200 Tel  
(212) 575-0671 Fax  
www.cll.com

**Meichelle R. MacGregor**  
(212) 790-9259  
mrm@cll.com

May 9, 2011

**By eFile**

Commissioner for Trademarks  
ATTN: TTAB  
P.O. Box 1451  
Alexandria VA 22313-1451

Re: Minnesota Twins, LLC  
Notice of Opposition Against  
Tamara Pinegar and Kimberley Pinegar  
Application to register THE TWINS & Design  
Our Ref: 21307.032

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/958,904 published in the Official Gazette on November 9, 2010. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Meichelle R. MacGregor/  
Meichelle R. MacGregor

Enclosures

cc: Ms. Diane Kovach (w/enc., by email)  
Mary L. Kevlin, Esq.  
Richard S. Mandel, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 77/958,904  
Filed: March 15, 2010  
For Mark: THE TWINS and Design  
Published in the Official Gazette: November 9, 2010

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MINNESOTA TWINS, LLC,	:
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Opposer,	:
	:
v.	:
	:
TAMARA PINEGAR AND KIMBERLEY	:
PINEGAR,	:
Applicants.	:
-----X	

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposition No.

**NOTICE OF OPPOSITION**

Opposer, Minnesota Twins, LLC (“Opposer”), a Delaware limited liability company, with offices at Target Field, 1 Twins Way, Minneapolis, MN 55403, believes that it will be damaged by registration of THE TWINS and Design mark shown below:



(“Applicants’ Mark”) in International Class 41 for “Entertainment in the nature of live musical performances; Production of television programs” as shown in Application Serial No.

77/958,904 (the “Application”), and having been granted extensions of time to oppose up to and including May 8, 2011, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned MINNESOTA TWINS MAJOR LEAGUE BASEBALL club.

2. Since long prior to April 12, 2003, Applicants' claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark TWINS, alone or with other word, letter and/or design elements (the "Opposer's TWINS Marks"), in connection with baseball game and exhibition services, at which music is performed or played, rendered live, through television, radio and the Internet, and a wide variety of goods and services, including, without limitation, hosting concerts and other music- related events, entertainment services, namely providing information in the field of sports and entertainment, educational services, clothing, accessories, toys, sporting goods, paper goods, printed matter, and novelty items, and have sold or distributed such goods and rendered such services in commerce.

3. Opposer owns U.S. federal registrations for Opposer's TWINS Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 26, 28, 30, 34, and 41; namely, Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992, 2,597,173 and 3,396,635 and Application Nos. 77/951,853 and 77/951,855. Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992 and 2,597,173 are incontestable.

4. Since long prior to April 12, 2003, Applicants' claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's TWINS Marks, including, but not limited to, baseball game and exhibition services, at which music is performed or played, rendered live, through television, radio and the

Internet, and a wide variety of goods and services, including, without limitation, hosting concerts and other music-related events, entertainment services, namely providing information in the field of sports and entertainment, educational services, clothing, accessories, toys, sporting goods, paper goods, printed matter, and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's TWINS Marks, Opposer has built up highly valuable goodwill in Opposer's TWINS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On March 15, 2010, Applicants filed the Application for Applicants' Mark for "Entertainment in the nature of live musical performances; Production of television programs" in International Class 41, claiming a first use date of April 12, 2003.

7. Upon information and belief, Applicants did not use Applicants' Mark for the services covered in the Application in United States commerce prior to their claimed first use date of April 12, 2003.

8. The services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's TWINS Marks.

9. Applicants' Mark so resembles Opposer's TWINS Marks as to be likely, when used in connection with Applicants' services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicants' services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicants of a certificate of registration for Applicants' Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicants' Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Meichelle R. MacGregor (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
May 9, 2011

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Meichelle R. MacGregor/

Mary L. Kevlin  
Richard S. Mandel  
Meichelle R. MacGregor

1133 Avenue of the Americas  
New York, New York 10036  
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 9, 2011, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant and Correspondent of Record at the following address: Tamara Pinegar, 1690 Sweet View Court, Henderson, Nevada 89014-7520.

/Meichelle R. MacGregor/  
Meichelle R. MacGregor